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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,872	11/15/2000	Michael Bleser	29488/36478	7661

4743 7590 05/22/2003

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EXAMINER
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LOFDAHL, JORDAN M

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 09/715,872	Applicant(s) BLESER ET AL.	
	Examiner Jordan M Lofdahl	Art Unit 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 November 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other:  |

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## DETAILED ACTION

### *Specification*

Claim 9 is objected to because of the following informalities:

On page 24, line 15 (second to last line of claim 9), "one or a" should be --one of a--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Edelson et al. (5737539).

As to claim 1, Edelson et al. discloses a device comprising a network server (206) connected to the network (col. 44, lines 42-45) that is accessible by one or more users via the network (fig. 16); an application server connected to the network server (col. 45, lines 15-30; server (206) is capable of being a cluster of

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servers which uses applications. Examiner reads one of the disclosed cluster of servers capable of being an applications server); a database (210) connected to the application server, the database containing information concerning drugs and personal information concerning one or more of the users (the professional using the system is capable of creating a prescription for him/herself); an intranet server that is connected to at least a plurality of member pharmacies and one or more shipping facilities (col. 38, lines 36-40), the intranet being connected to the application server (col. 45, lines 15-30; server (206) is capable of being a cluster of servers which is similar to the World Wide Web and having access restricted to a limited group of authorized users. Examiner reads one of the disclosed cluster of servers capable of being an intranet server), wherein the application server is configured to allow each of the one or more users to access the information concerning drugs and personal information concerning each respective user of the one or more users and enable each of the one or more users to transmit a prescription order to at least one of the plurality of member pharmacies and one of the one or more shipping facilities.

As to claim 3, disclosed is prescription history (col. 14, lines 13-15).

As to claim 4, disclosed is a network server that is configured to format display of the prescription history according to a plurality of display formats (fig. 1-14).

As to claim 5, disclosed is a system where the users can print the information.

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As to claim 6, disclosed is the network capable of being the Internet.

As to claim 7, disclosed is a system wherein access to personal information concerning each of the users includes at least one of the access and viewing of the personal information, editing of the personal information and adding additional information to the person information previously stored.

As to claim 8, disclosed is a system wherein the prescription order includes ordering a new prescription.

As to claim 9, disclosed is a method comprising the steps of accessing a network server (206) capable of hosting a network website (col. 47, lines 1-7) via the network; registering a user with the network website (it is inherent that a physician with a password is registered with the network); displaying to the user a prescription order selection; displaying one or more prescription order displays to the user on the website when the user selects the prescription order selection wherein the user is allowed to select to transmit a particular prescription order to a communication network that connects at least one of plurality of pharmacies and one or more distribution facilities; and displaying one or more pharmacy data access displays to the user when the user selects the pharmacy data access selection wherein the user is allowed to access a personal prescription history.

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As to claim 10, disclosed is a method step prompting a user to enter a username, a password and personal profile; transmitting an entered name username, password and personal profile information to a network server; storing the username, password and personal profile information in the network server; and enabling the user to access at least a portions of the website by subsequent entry of the entered username and password.

As to claim 11, disclosed is a method step wherein the personal prescription history includes past prescriptions.

As to claim 12, disclosed is a method step wherein the order includes a new prescription order.

As to claim 13, disclosed are method steps of assigning the user a person ID number subsequent to the step of registering the user; communicating the personal ID number to the user via a secured communication and prompting the user to enter the personal ID number to allow the user to access secured portions of the website (col. 17 lines 4 - col. 18 line 7).

As to claim 14, disclosed are method steps of manually entering a users password concerning the user into a connection to an intranet server capable of being located in one of any of a plurality of member pharmacies and one or more centralized company locations; associating the user to a network server and

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information concerning the user currently stored in the database from the intranet server and communicating at least a username and password, which enables the user to access the network website, to the user via a secured communication using the user contact information.

As to claim 15, disclosed are the method steps of enabling the user to select one or more display formats for the personal prescription history and enabling a user to print a specific format selected by the user from the one or more display formats.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edelson et al. (5737539).

As to claim 2, not disclosed is a system wherein the network server displays one or more interactive webpages to the one or more users that is viewable by the one of the one or more users. Disclosed are a variety of interface devices and networks (col. 44, lines 33-45). It would have been obvious to one of ordinary

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skill in the art at the time the invention was made to comprise the system of Edelson et al. with interactive webpages to create a more user friendly interface.

As to claim 16, not disclosed is the method step of selecting the prescription to be manually picking up from a pharmacy and shipped to a designated postal address. Disclosed is the prescription being ordered from a pharmacy and it is well known in the art of ordering to have a customer pick up the item at the store or have it mailed to the customer. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to comprise the method with having a selection of manually picking up the prescription from a pharmacy and being mailed to a designated postal address, to create a choice for the customer of where to pick up the prescription.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M Lofdahl whose telephone number is 703.605.1217. The examiner can normally be reached on 6-2:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles T Jordan can be reached on 703.306.4159. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.



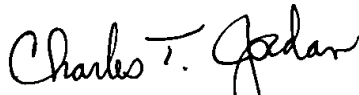
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Any inquiry of a general nature or relating to the status of this application  
or proceeding should be directed to the receptionist whose telephone number is

703.306.4180.

A handwritten signature in black ink, appearing to be 'jmj', written over the date.

May 15, 2003

  
CHARLES T. JORDAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600